

CP. 3561
2657

PTO/SB/21 (6-98)

Approved for use through 9/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	09/364,794	
	Filing Date	July 30, 1999	
	First Named Inventor	J. Eric Berge	
	Group Art Unit	3561	
	Examiner Name	Jeffrey A. Shapiro	
Total Number of Pages in This Submission	5	Attorney Docket Number	7480-PA1CP2

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communications to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Check for \$110; return reply postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
ATTORNEY NAME	JAMES W. MCCLAIN
FIRM	BROWN, MARTIN, HALLER & MCCLAIN, LLP
SIGNATURE	
DATE	February 3, 2000

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: February 3, 2000			
Typed or printed name	Sheryl Schoen		
Signature		Date	February 3, 2000

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2000</h2> <p style="font-size: small; margin: 0;">Patent fees are subject to annual revision. Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.</p>		Complete if Known													
TOTAL AMOUNT OF PAYMENT (\$) 110.00		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/364,794</td> </tr> <tr> <td>Filing Date</td> <td>July 30, 1999</td> </tr> <tr> <td>First Named Inventor</td> <td>J. Eric Berge</td> </tr> <tr> <td>Examiner Name</td> <td>Jeffrey A. Shapiro</td> </tr> <tr> <td>Group / Art Unit</td> <td>3651</td> </tr> <tr> <td>Attorney Docket No.</td> <td>7480-PA1CF2</td> </tr> </table>		Application Number	09/364,794	Filing Date	July 30, 1999	First Named Inventor	J. Eric Berge	Examiner Name	Jeffrey A. Shapiro	Group / Art Unit	3651	Attorney Docket No.	7480-PA1CF2
Application Number	09/364,794														
Filing Date	July 30, 1999														
First Named Inventor	J. Eric Berge														
Examiner Name	Jeffrey A. Shapiro														
Group / Art Unit	3651														
Attorney Docket No.	7480-PA1CF2														

<p>METHOD OF PAYMENT (check one)</p> <p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 02-4070</p> <p>Deposit Account Name BROWN, MARTIN, HALLER & McCLAIN</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§1.16 and 1.17</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p> <p style="text-align: center;">FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>690</td><td>201</td><td>345</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>310</td><td>206</td><td>155</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>480</td><td>207</td><td>240</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>690</td><td>208</td><td>345</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$)</td> </tr> </tbody> </table> <p>2. EXTRA CLAIM FEES</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td><input type="text"/></td> <td>-20**= <input type="text"/></td> <td>X <input type="text"/></td> <td>= <input type="text"/></td> </tr> <tr> <td>Independent Claims</td> <td>- 3**= <input type="text"/></td> <td>X <input type="text"/></td> <td>= <input type="text"/></td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td><input type="text"/></td> <td>= <input type="text"/></td> </tr> </tbody> </table> <p style="font-size: x-small;">**or number previously paid, if greater. For Reissues, see below.</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102</td><td>78</td><td>202</td><td>39</td><td>Independent claims excess of 3</td><td></td></tr> <tr><td>104</td><td>260</td><td>204</td><td>130</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>109</td><td>78</td><td>209</td><td>39</td><td>**Reissue independent claims over original patent</td><td></td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td>**Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (2)</td> <td>(\$)</td> </tr> </tbody> </table>	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	690	201	345	Utility filing fee		106	310	206	155	Design filing fee		107	480	207	240	Plant filing fee		108	690	208	345	Reissue filing fee		114	150	214	75	Provisional filing fee		SUBTOTAL (1)					(\$)	Total Claims	Extra Claims	Fee from below	Fee Paid	<input type="text"/>	-20**= <input type="text"/>	X <input type="text"/>	= <input type="text"/>	Independent Claims	- 3**= <input type="text"/>	X <input type="text"/>	= <input type="text"/>	Multiple Dependent		<input type="text"/>	= <input type="text"/>	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	78	202	39	Independent claims excess of 3		104	260	204	130	Multiple dependent claim, if not paid		109	78	209	39	**Reissue independent claims over original patent		110	18	210	9	**Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					(\$)	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - Late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td>110.00</td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of appeal</td><td></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>290</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>690</td><td>246</td><td>345</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>690</td><td>249</td><td>345</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td></td></tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (3)</td> <td>(\$)</td> </tr> </tbody> </table> <p style="font-size: x-small;">* Reduced by Basic Filing Fee Paid</p>	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - Late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month	110.00	116	380	216	190	Extension for reply within second month		117	870	217	435	Extension for reply within third month		118	1,360	218	680	Extension for reply within fourth month		128	1,850	228	925	Extension for reply within fifth month		119	300	219	150	Notice of Appeal		120	300	220	150	Filing a brief in support of appeal		121	260	221	130	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,210	241	605	Petition to revive - unintentional		142	1,210	242	605	Utility issue fee (or reissue)		143	430	243	215	Design issue fee		144	580	244	290	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	690	246	345	Filing a submission after final rejection (37 CFR 1.129(a))		149	690	249	345	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____						Other fee (specify) _____						SUBTOTAL (3)					(\$)
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																																				
101	690	201	345	Utility filing fee																																																																																																																																																																																																																																																																																					
106	310	206	155	Design filing fee																																																																																																																																																																																																																																																																																					
107	480	207	240	Plant filing fee																																																																																																																																																																																																																																																																																					
108	690	208	345	Reissue filing fee																																																																																																																																																																																																																																																																																					
114	150	214	75	Provisional filing fee																																																																																																																																																																																																																																																																																					
SUBTOTAL (1)					(\$)																																																																																																																																																																																																																																																																																				
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																																																																																																																						
<input type="text"/>	-20**= <input type="text"/>	X <input type="text"/>	= <input type="text"/>																																																																																																																																																																																																																																																																																						
Independent Claims	- 3**= <input type="text"/>	X <input type="text"/>	= <input type="text"/>																																																																																																																																																																																																																																																																																						
Multiple Dependent		<input type="text"/>	= <input type="text"/>																																																																																																																																																																																																																																																																																						
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																																				
103	18	203	9	Claims in excess of 20																																																																																																																																																																																																																																																																																					
102	78	202	39	Independent claims excess of 3																																																																																																																																																																																																																																																																																					
104	260	204	130	Multiple dependent claim, if not paid																																																																																																																																																																																																																																																																																					
109	78	209	39	**Reissue independent claims over original patent																																																																																																																																																																																																																																																																																					
110	18	210	9	**Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																																																					
SUBTOTAL (2)					(\$)																																																																																																																																																																																																																																																																																				
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																																				
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																																																																																																					
127	50	227	25	Surcharge - Late provisional filing fee or cover sheet																																																																																																																																																																																																																																																																																					
139	130	139	130	Non-English specification																																																																																																																																																																																																																																																																																					
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																																																																																																																					
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																																																					
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																																																					
115	110	215	55	Extension for reply within first month	110.00																																																																																																																																																																																																																																																																																				
116	380	216	190	Extension for reply within second month																																																																																																																																																																																																																																																																																					
117	870	217	435	Extension for reply within third month																																																																																																																																																																																																																																																																																					
118	1,360	218	680	Extension for reply within fourth month																																																																																																																																																																																																																																																																																					
128	1,850	228	925	Extension for reply within fifth month																																																																																																																																																																																																																																																																																					
119	300	219	150	Notice of Appeal																																																																																																																																																																																																																																																																																					
120	300	220	150	Filing a brief in support of appeal																																																																																																																																																																																																																																																																																					
121	260	221	130	Request for oral hearing																																																																																																																																																																																																																																																																																					
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																					
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																																																					
141	1,210	241	605	Petition to revive - unintentional																																																																																																																																																																																																																																																																																					
142	1,210	242	605	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																					
143	430	243	215	Design issue fee																																																																																																																																																																																																																																																																																					
144	580	244	290	Plant issue fee																																																																																																																																																																																																																																																																																					
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																					
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																																																																																																																					
126	240	126	240	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																																																					
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																					
146	690	246	345	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																																																																																					
149	690	249	345	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																																																					
Other fee (specify) _____																																																																																																																																																																																																																																																																																									
Other fee (specify) _____																																																																																																																																																																																																																																																																																									
SUBTOTAL (3)					(\$)																																																																																																																																																																																																																																																																																				

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	James W. McClain	Registration No. (Attorney/Agent)	24,536
Signature		Telephone	(619) 238-0999
		Date	February 3, 2000

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

PATENT

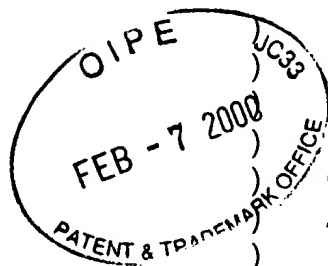
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

J. Eric Berge et al.

Serial No.: 09/364,794

Filed: July 30, 1999



FOR: VACUUM PNEUMATIC SYSTEM
FOR CONVEYANCE OF

Group
Art Unit: 3651

TC 3600 MAIL ROOM

FEB 10 2000

RECEIVED

W/A
3/12
(1 mo)
Encl
time
2-11-00
HUA

**RESPONSE TO REQUIREMENT FOR ELECTION
OF SPECIES UNDER 37 C.F.R. § 1.146; PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Jeffrey A. Shapiro
Examiner

TC 3600 MAIL ROOM

FEB 10 2000

RECEIVED

Dear Sir:

This communication is in response to the Office Action dated December 3, 1999.
Enclosed herewith is a Fee Transmittal Form (PTO/SB/17) transmitting payment for an
appropriate extension of time for response.

I hereby certify that this correspondence is being deposited with the United
States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231 on:

February 3, 2000
(Mailing Date)

Sheryl Schoen
(Typed Name)

Sheryl Schoen
(Signature)

February 3, 2000
(Date of Signature)

[RESEBERG00.B03]

02/09/2000 RTSEGAYE 00000024 09364794

110.00 0P

01 FC:115